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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

H. Lee Martin et al.

Serial No. : 08/887,319

Filed: July 2, 1997

For: OMNIVIEW MOTIONLESS CAMERA
ORIENTATION SYSTEM



) Group Art Unit: 2714

) Examiner: M. Lee

) Attorney Docket No. 01096.09901

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The Honorable Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

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OFFICE OF PETITIONS
A/C PATENTS

Pursuant to 37 C.F.R. 1.103(a), M.P.E.P. § 709 and as stated by the Examiner in the June 23, 1998 Office Action (Paper No. 19), action on the above-identified application was suspended until December 23, 1998. Applicants petition for further suspension of the Examiner's next action in the above-identified application, namely U.S. Serial No. 08/887,319. Applicants do not believe any fee is due in connection with this petition, since the reissue of parent patent application, U.S. Serial No. 07/699,366, filed May 13, 1991, now U.S. Patent No. 5,185,667 (hereinafter referred to as the '667 patent) has been delayed by the file being lost within the Patent Office. However, if a fee is due, Applicants authorize the Assistant Commissioner to debit or credit our deposit account number 19-0733 as needed.

The history is as follows: On May 29, 1998, the '667 reissue file was passed to the Drafting Branch and then disappeared. On August 12, 1998, Mr. Jim Alexander and Ms. Linda Wilson of the Office of Allowed Files said they would locate the file and expedite issuance. As of August 21, 1998, the file was still missing. On August 28, 1998, Division Director, Mr. Ng, stated he would personally handle the matter. On September 29, 1998, Ms. Wilson called to say that the file could not be located and asked for a few more weeks before declaring the file lost. In early October the file was declared lost. On November 19, 1998, the file was reported found in the Drafting Branch. On November 24, 1998, Mr. Rodrick Jones, the Supervisory Draftsman, stated that he would review the file. The next day, November 25, 1998, the file was again declared as lost. On December 15, 1998, the file was still listed as lost by the Patent and Trademark Office's Office of Allowed Files. On December 17, 1998, Mr. Alexander, stated that, as of November 24, 1998, the file was in drafting and he would locate it. On December 18, 1998, Ms. Linda Wilson left a phone message stating that the file was still lost and that they would continue searching for the file.

Through the March 26, 1998 filed Amendment, Applicants have amended the claims to be fully supported by the disclosure as found in the '667 patent. The '667 patent is currently under reissue proceedings as U.S. Application Serial No. 08/662,410, filed July 12, 1996, in order, *inter alia*, to correct the inventorship of the '667 patent from Mr. Steven D. Zimmermann as the sole inventor to Mr. Zimmermann and Dr. H. Lee Martin as joint inventors. As Applicants have amended the claims of the above application (Serial No. 08/887,319) to find complete support in the '667 patent, Applicants are in the process of correcting the inventorship of this application to match that

of the inventorship of the '667 patent. However, as the reissue of the '667 patent is still pending before the U.S. Patent and Trademark Office, the inventorship issue as raised in the reissue has not been resolved. Applicants cannot correct the inventorship of the above application to match that of the '667 patent while the reissue is still pending before the Patent and Trademark Office as the present application (with the corrected inventorship of Zimmermann and Martin) would still be rejected under § 102(e) over the '667 patent alone as the reissue has not yet issued. Accordingly, Applicants petition for further suspension of the above application (Serial No. 08/887,319) until the issuance of the '667 reissue application with the corrected inventorship.

If any questions are raised by this Petition, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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